

APPEAL NO. 040415  
FILED APRIL 8, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on January 29, 2004. The hearing officer resolved the disputed issues by deciding that: (1) the date of the claimed injury is \_\_\_\_\_; (2) on \_\_\_\_\_, the appellant (claimant) did not sustain a compensable injury as claimed; (3) the respondent (carrier) is not relieved from liability pursuant to Section 409.002, because the claimant did timely report her claimed injury of \_\_\_\_\_; and (4) since there is no compensable injury, there can be no disability. The claimant appeals the compensable injury and disability determinations on sufficiency of the evidence grounds. The carrier responded, urging affirmance. The date of injury and timely notice determinations were not appealed and have become final pursuant to Section 410.169.

DECISION

Affirmed.

The claimant had the burden to prove that she sustained a compensable injury as defined by Section 401.011(10), and that she had disability as defined by Section 401.011(16). Conflicting evidence was presented at the CCH on the disputed issues. The hearing officer noted in her Statement of the Evidence that the claimant's testimony at the CCH was inconsistent with her prior recorded statement. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, we conclude that the hearing officer's determinations on the appealed issues are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION  
350 NORTH ST. PAUL  
DALLAS, TEXAS 75201.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Daniel R. Barry  
Appeals Judge

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Edward Vilano  
Appeals Judge